

Lochailort Reading Ltd
in conjunction with
Canmoor Developments Ltd

PLANNING STATEMENT

Outline: erection of 12 storey landmark office building with publically-accessible sky garden, car & cycle parking, and associated works (all matters for consideration other than landscaping)

The Arc, Reading

December 2017



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PREFACE

"Sustainable development is about positive economic growth – making economic, environmental and social progress for this and future generations. The planning system is about helping to make this happen. Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision."

Rt Hon Greg Clark MP, Minister for Planning
Writing in the National Planning Policy Framework Foreword
March 2012

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the Development Plan without delay; or where the Development Plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

This *Statement* will clearly demonstrate that the proposed B1 office development is in accordance with the Development Plan and that there are no material considerations that indicate otherwise. There is strong policy support for this type and form of development at national level, as this Statement identifies and explores.

The presumption in favour of sustainable development is engaged and the benefits of the development would not be outweighed by any adverse impacts. Accordingly, planning permission should be issued without delay.

1.0 INTRODUCTION

Background

- 1.1 This Statement accompanies and supports an outline planning application (with all matters for consideration other than landscaping) for the comprehensive redevelopment of a former car dealership site that is currently in temporary use as a public car park. The applicants propose the demolition of an existing multi-storey car park and the erection of a single new building of outstanding bespoke design comprising:
 - 1.1.1 Modern office accommodation over 10 storeys (levels 01 – 11);
 - 1.1.2 A publically-accessible sky garden, with dedicated Sky Garden welcome lobby accessed from Vastern Road leading to direct public lift access to the Sky Garden;
 - 1.1.3 A Sky Garden on level 12, with a mezzanine sky garden on level 13;
 - 1.1.4 Car and cycle parking in the basement and on mezzanine levels 00, 01 & 02;
 - 1.1.5 Several entrances on Kings Meadow Road to the office reception lobby, giving active frontages to both Vastern Road and Kings Meadow Road;
 - 1.1.6 Car parking and servicing access via the existing site access point at Vastern Court;
 - 1.1.7 Public realm enhancements (proposed at this stage in outline only);
 - 1.1.8 Reservation of land along the Kings Meadow Road frontage to provide for the Local Authority's highway improvement works that will facilitate the *Mass Rapid Transport* (MRT) route in due course.
- 1.2 A more detailed assessment and explanation of the proposed development can be found in the ***Design & Access Statement*** that accompanies the application.

The site and its context

- 1.3 The site currently comprises a multi-storey car park with ground level and two upper-level parking decks, as well as hard-surfaced open parking areas. Planning permission was granted for the multi-storey car park in June 1989 (ref. 88/TP/419), together with a car showroom and workshop facilities that were both demolished in the Spring of 2016.
- 1.4 A public car park currently operates on the site (ref. 160236), providing 207 pay & display car parking spaces and enjoying a high level of patronage. The site is clearly brownfield and falls within the definition of previously-developed land at Annex 2 of the *National Planning Policy Framework* ("the Framework").

A sustainable location for development

- 1.5 The *Framework* confirms that there are three dimensions to sustainable development:
 - 1.5.1 Economic
 - 1.5.2 Social
 - 1.5.3 Environmental

These dimensions give rise to the need for the planning system to perform a number of roles to deliver its *Framework* paragraph 6 purpose of contributing to achieving sustainable development.

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- 1.6 The proposed development fulfils the **economic role** by contributing to building a strong, responsive and competitive economy. The submitted **Employment Impact Statement** explains the employment benefits that the development is expected to bring, particularly in the context of a significant quantum of office floorspace lost in the town centre to residential conversions in recent years.
- 1.7 The **social role** is fulfilled not only through offering additional employment floorspace, but also through the incorporation of a bespoke Sky Garden within the scheme, offering extensive and unique public views of the Thames and the town centre alike. An explanation of the Sky Garden's operation can be found in the **Sky Garden Framework Visitor Management Plan** that has been submitted with this application.
- 1.8 The **environmental role** is fulfilled by enhancing the natural and built environment through:
- 1.8.1 Remediation of this contaminated, brownfield site;
 - 1.8.2 Significant enhancements to the public realm, as per the concepts explored in the submitted **Design & Access Statement** and to be considered in more detail at reserved matters stage;
 - 1.8.3 The appropriate reuse of previously-developed land, thus avoiding the need for equivalent development to be directed to virgin greenfield sites in arguably significantly less sustainable locations.
- 1.9 Accordingly, as explored further elsewhere in this Statement, there is no impediment preventing the presumption in favour of sustainable development from being engaged by this application.

2.0 PLANNING HISTORY

Planning history context

- 2.1 The existing onsite buildings date from the early 1990s and their lawful existence is not at question. The site's former use as a car showroom is based, axiomatically, on private car travel and whilst the surrounding road network is good, the number of permanent jobs that it had supported had been relatively low. The nature of the lawful previous use of the site, therefore, was at odds with its highly sustainable location within the centre of Reading which lends itself to a much higher density.
- 2.2 There have been a number of planning applications for small scale developments associated with the site's previous lawful use as a car showroom since it was first constructed; these applications have no relevance to the current proposal.

Demolition of the previous former car dealership and temporary reuse of the site

- 2.3 The site has been identified and allocated as a development opportunity within the *Major Opportunity Area* as set out in the *Reading Central Area Action Plan "RCAAP"*, which was adopted by the Council in January 2009; this is reflected in the Proposals Map, which has Development Plan status and was adopted in October 2012. The adopted statutory Development Plan is explored in **Section 3** of this Statement.
- 2.4 The former car dealership relocated to new premises elsewhere in Reading towards the end of 2015. Despite being left and maintained in a secure manner, the vacant buildings quickly attracted crime and anti-social behaviour, including break-ins and arson attempts.
- 2.5 In light of this, and to prepare the site for redevelopment, an application for *Prior Approval* was granted by the Local Planning Authority (ref. 160012) in April 2016 for the demolition of the former showroom, workshops and ancillary elements but retaining the three-level multi-storey car park. Demolition works were completed shortly thereafter.
- 2.6 Pending the site's permanent development, an application proposed use as a public car park (ref. 160236) was granted planning permission for a temporary 3-year period, to expire on 24th May 2019. Pre-commencement conditions were subsequently discharged and the car park is now fully operational.

Swan Heights

- 2.7 An initial application for the site's residential redevelopment (ref. 150120) was refused planning permission in May 2015, for twelve reasons. These were comprehensively resolved in the submission of a second residential planning application submitted to the Local Planning Authority in December 2016 (see below).

Thames Quarter

- 2.8 Following two years of extensive discussions, on 23rd November 2017 planning permission (ref. 162166) was granted for:

Full: erection of a part 12 storey, part 23 storey building comprising 315 apartments in a mix of studio, one-bedroom, two-bedroom and 3-bedroom units; residents' lounges, tech-hub, dining room, and cinema room; various rooftop outdoor amenity spaces; concierge/reception with coffee meeting area; residents' storage facilities; postroom; ancillary back-of-house

facilities; 315 secure cycle parking spaces; car parking spaces; landscaping; and associated works. Demolition of existing multi-storey car park.

2.9 The Section 106 agreement pursuant to that planning permission places a number of obligations on the applicant in respect of:

- 2.9.1 Affordable housing: a financial contribution of up to £5,900,000 as well as various review mechanisms that might result in additional contributions of up to a further £3,833,000, and thus a total Section 106 liability in respect of offsite affordable housing of up to **£9,870,000**;
- 2.9.2 The potential acquisition of an affordable housing surrogate site, funded from out of the above contributions;
- 2.9.3 Financial contributions towards a signalised pedestrian crossing (£86,700), improvements to Kings Meadow Park (£120,000) and to the Vastern Road railway underpass (£100,000), with a total contribution value of **£306,700**;
- 2.9.4 Establishment of a 3-vehicle onsite car club;
- 2.9.5 Implementation of a *Construction Employment and Skills Plan*;
- 2.9.6 The provision of land required for the Council's MRT scheme.

2.10 In their Committee Report of 19th July 2017, Officers confirmed that the CIL liability of the development would be **£3,400,000**.

2.11 The total value of financial contributions from the *Thames Quarter* development to the Local Authority would therefore be up to **£13,576,700**.

Planning history: summary

2.12 This is clearly a brownfield, previously-developed site. It is currently well-used as a public car park whilst it is awaiting a more comprehensive redevelopment.

2.13 Throughout the planning application process for *Thames Quarter*, the applicant had received a steady flow of enquiries from interested parties who would like to be involved in an office development on this site. This is, in part, perhaps a reflection of the numerous *office-to-residential* conversion schemes that have been implemented or secured Prior Approval in Reading. Offices have become more valuable as the available quantum of floorspace has diminished, which is reflected in a recent increase in the number of approaches the applicant has received from those interested in pursuing a commercial development on the site.

2.14 At the same time, it has become apparent that the restrictions that come with residential development, not least affordable housing considerations and a significantly higher CIL charging rate, make an office development in this location worthy of commercial consideration. As explored in **Section 3** of this Statement, the site is zoned for early delivery and an office scheme here is both appropriate and acceptable.

3.0 NATIONAL PLANNING POLICY

- 3.1 The importance of delivering sustainable development cannot be understated – it is the golden thread running throughout the *Framework*.
- 3.2 Whilst the legislative starting point in the determination of planning applications remains as set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004, nonetheless the *Framework* is a key material consideration which provides a fundamental backdrop and context to the statutory Development Plan.
- 3.3 The Government's intentions are clear in this respect, and are encapsulated in the Ministerial Foreword:

"Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations. The planning system is about helping to make this happen. Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, every decision."

(Rt Hon Greg Clark MP, Minister for Planning, writing in the *National Planning Policy Framework* Foreword, March 2012)

- 3.4 Of particular relevance is Annex 1, which deals with implementation and which advises how decision-makers should deal with Development Plan policies which were adopted prior to the *Framework*'s publication in March 2012. Paragraph 215 is clear: since March 2013, it has not been open to decision makers to simply and blindly rely upon Development Plan policies which were adopted before March 2012. Rather, "due weight" must be given to relevant policies in existing plans, governed by their degree of consistency with the *Framework*. Simply put, the closer the policies in the Development Plan are to those in the *Framework*, the greater the weight they can be given.
- 3.5 The corollary, of course, is that where a pre-March 2012 Development Plan policy departs from its counterpart in the *Framework*, it must be given less weight accordingly. Depending on the nature and level of difference between the comparative policies, there may be situations whereby an Adopted Development Plan policy is so fundamentally at odds with the *Framework* that it can be given very little weight indeed, if any. In such circumstances, it is clear that the relevant *Framework* policy will be an important material consideration capable of outweighing Development Plan policy. This position has been upheld by the Courts in the case of *Wynn-Williams v Secretary of State for Communities and Local Government* [2014] EWCH 3374.
- 3.6 Given that the Council's *Core Strategy* was adopted in January 2008 and the *Reading Central Area Action Plan* in January 2009, it is clear that *Framework* paragraph 215 and the requirements of Annex 1 are fully engaged.
- 3.7 It is in this context that the ***presumption in favour of sustainable development***, summarised at *Framework* paragraph 14 but the golden thread running throughout that document, must be considered. Where a proposal accords with the Development Plan, the presumption in favour of sustainable development is engaged.

- 3.8 Only in those circumstances where the adverse impacts of granting planning permission would “significantly and demonstrably” outweigh a scheme’s benefits should planning permission be refused.
- 3.9 In essence, the decision maker must undertake a planning balance exercise which starts with the weight firmly in favour of granting planning permission. Accordingly, in the specific context of the Development Plan’s applicability to this proposed development, a two-stage assessment is required:
- 3.9.1 Firstly, on a policy-by-policy basis it is necessary to compare and weigh each policy against its counterpart in the *Framework*, identifying (if any) the level of inconsistency and assessing how much weight can be attributed to local policy; and
- 3.9.2 Secondly, if it found that the Development Plan is absent, silent or out-of-date, the presumption in favour of sustainable development must be applied and an assessment made of whether the grant of planning permission would result in any “significant” or “demonstrable” adverse impact.
- 3.10 As explored in **Section 4**, Policy RC1 of the *Reading Central Area Action Plan* (the “Action Plan”) allocates this site for development as part of the Station / River Major Opportunity Area. The site is allocated as sub area RC1h, Napier Road Junction, with the policy text specifically confirming that, in principle, the site could appropriately be redeveloped to accommodate:
- “A landmark building, containing residential and/or offices is appropriate for this site, which may contain an active commercial use on the ground floor. An acceptable dry access scheme must be part of any development on this site.”*
- 3.11 Subject to complying with other general and generic policies in the Development Plan, **it is clear that an office development would be policy-compliant in principle in this location.**
- 3.12 As a direct consequence, *Framework* paragraph 14 gives very clear instructions as to how decision-makers must proceed:

*“For **decision-making** this means:¹⁰*

- ***approving development proposals that accord with the development plan without delay;** and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted⁹.”*

(our emphasis)

Footnotes 9 and 10 advise:

- "9 For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.
- 10 Unless material considerations indicate otherwise."

- 3.13 Footnote 9 does not apply to this site, whilst footnote 10 is a planning balance matter as explored in **Section 5** of this Statement. Accordingly, the clear direction contained in the *Framework* is that planning permission must be granted **without delay**, unless doing so would "significantly" and "demonstrably" outweigh the benefits of doing so.
- 3.14 The following chapters of this *Statement*, and the accompanying *Design & Access Statement*, review the material considerations associated with the proposed development. Together with the findings of the other supporting reports submitted with this application, they confirm that there would be **no significant or demonstrable harm** from the proposed development that would outweigh the clearly-identified **significant public benefits** associated with the grant of planning permission.
- 3.15 Other relevant *Framework* policies which weigh heavily in favour of the proposed development are found at paragraph 19, which confirms that planning should operate to **encourage and not act as an impediment to sustainable growth**, and that **significant weight** should be placed on the need to support economic growth through the planning system. The submitted *Employment Impact Statement* clearly sets out the economic benefits that this scheme would bring, benefits which merit "substantial weight" in the planning balance.
- 3.16 In light of all of the above, proper application of the *Framework's* policies requires that **planning permission is granted without delay**.

4.0 THE DEVELOPMENT PLAN

4.1 At the time of writing, the Development Plan comprises:

- 4.1.1 Core Strategy (January 2008)
- 4.1.2 Reading Central Area Action Plan (January 2009)
- 4.1.3 Site and Detailed Policies Document (October 2012)
- 4.1.4 Proposals Map (December 2012)

4.2 As the Council's *Core Strategy* and *Reading Central Area Action Plan* ("RCAAP") were both adopted a number of years before the publication of the *Framework*, so paragraph 215 confirms that they cannot automatically be attributed full weight. As such, policies contained therein must be tested against the *Framework* rather than accepted and implemented at pure face value and accordingly, the two-stage assessment explained at paragraph 3.9 of this Statement applies.

Core Strategy (January 2008 with Alteration Adopted January 2015)

4.3 Aside from the specific policies themselves, Chapter 3 sets out the broad aims of the document as a Spatial Strategy for the development of Reading over the plan period. There are a number of key re-occurring themes in the *Core Strategy*, such as that "*Major development should be located in areas of high accessibility where it does least harm to the environment and delivers most benefits to the wider community.*" (paragraph 3.4). Paragraph 3.6 sets out another key principle, which is worthy of replicating here in full:

*"The predominantly urban character of Reading Borough, exacerbated by tightly drawn boundaries, means that the vast majority of any future development will be in the form of redevelopment and regeneration of previously developed land. In particular, there are areas or sites that are **currently under-utilised**, and/or are visually and environmentally detrimental which need to be brought forward for mixed-use schemes and developed at an appropriate density with appropriate infrastructure provision...**Development must have excellent access to effective and efficient public transport.**"*

(our emphasis)

4.4 Following on from this, the *Core Strategy* specifically sets out that new major mixed-use development should be focused on the Reading Central Area, within which the application site lies. This approach is consistent with the thrust of the *Framework* and so should be afforded significant weight. Paragraph 3.11 highlights that the "*centre of Reading is the most accessible location in the Western Corridor Sub Region...[and so] makes it the principal location for a range of major development opportunities*".

4.5 The principle of the strategy is therefore that development should take place within and in close proximity to the most sustainable locations, of which the centre of Reading is placed above all others. This is again consistent with the *Framework's* requirement for development to take place in the most sustainable locations, and this the *Core Strategy's* overarching theme can be attributed full weight.

- 4.6 Starting with the highest level principles which govern the spatial distribution of development in the Borough, **Policy CS4** ("*Accessibility and the Intensity of Development*") confirms that the scale and density of development in different locations will be related to their levels of accessibility. This is consistent with the general thrust of the *Framework*, and also accords with a 2015 Government consultation on changes to the *Framework* to require increased densities around public transport interchanges (such as the multi-modal interchange at Reading station).
- 4.7 Given the site's location in the centre of Reading with immediate access to excellent public transport connections and the facilities that the town has to offer, this is patently one of the most sustainable locations within the Borough and, by implication, suitable for development at a commensurate scale and high density. The utility of the adjacent Reading railway station as a public transport hub will be further enhanced by:
- 4.7.1 The start of Crossrail services on the *Elizabeth Line* in 2018/19, offering direct trains to new destinations in the capital;
 - 4.7.2 Electrification of the Great Western mainline, giving faster direct services to London Paddington and west towards Bristol and South Wales;
 - 4.7.3 The confirmed new rail link to Heathrow Airport, offering fast convenient services to the UK's largest international airport;
 - 4.7.4 Implementation by the Council of its *Mass Rapid Transit* scheme, providing a bus every three minutes at peak times eastwards to the major employment area at Thames Valley Park and the recently-approved Park & Ride facility.
- 4.8 The proposed development clearly fully complies with Policy CS4, which itself complies with the *Framework* and can be attributed full weight.
- 4.9 High-level design advice is given in **Policy CS7** ("*Design and the Public Realm*") which requires that new developments "*must be of high design quality that maintains and enhances the character and appearance of the area of Reading in which it is located.*" The policy then goes on to set out a list of overarching urban design objectives that any development must achieve and continues by listing a number of generic design criteria that proposals will be assessed against, such as ensuring that they create safe and secure environments.
- 4.10 This policy is broadly consistent with the *Framework's* thrust of requiring high quality design and its recommendation that good design is indivisible from good planning (*Framework* paragraph 56). The policy is overarching in that it is setting out the principles against which new development will be assessed. It does not favour one design approach over another, which again is consistent with the *Framework's* instruction that Local Planning Authorities should not seek to impose particular architectural tastes or styles. To this end, the policy is compliant with the *Framework* and so attracts full statutory weight.
- 4.11 The accompanying *Design & Access Statement* clearly sets out how the proposal would meet the very detailed design criteria in Policy CS7, and how the proposed development accords with this part of the Development Plan. The proposal is for a truly iconic statement building that reflects the town's vibrancy by sending a clear message of quality and identity.

- 4.12 **Policy CS10** (*"Location of Employment Development"*) applies the Core Strategy's general spatial principles in seeking to direct major office development primarily to the centre of Reading, a requirement with which the proposed development clearly complies. The supporting text at paragraph 5.8 elaborates on the policy itself, confirming that:

"Employment development which attracts significant numbers of trips should be in highly accessible locations which are or will be well served by a choice of means of transport. Major office development (over 2,500 sq m) will therefore be directed to the centre of Reading and along a high-accessibility corridor focused on the A33, a new station at Green Park and proposed mass rapid transit links to the south."

(our emphasis)

- 4.13 There is no question that the application site accords with the locational requirements of Policy CS10 as explained in its supporting text and consequently, **the principle of the proposed development is fully in accordance with the adopted Development Plan.**
- 4.14 **Policy CS33** (*"Protection and Enhancement of the Historic Environment"*) seeks to prevent all development that has any adverse impact on heritage assets, contrary to the *Framework* which takes a completely different, public-benefits based approach. Section 12 of the *Framework* (*"Conserving and enhancing the historic environment"*) advises Local Planning Authorities to consider whether a proposed development will lead to substantial harm to, or total loss of significance of, a designated heritage asset. Proposals that lead to such harm or loss should be refused unless they pass the test at paragraph 133. Where a development will lead to less than substantial harm, any such harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 134). Significance, as advised with the *Framework*, is derived not solely from a heritage asset's physical presence, but also from its setting. When assessing significance, it is advised that great weight should be given to the asset's conservation and the more important the asset, the greater the weight to be applied. Where a development leads to less than substantial harm to the significance of the heritage asset, any such harm should be weighed against the public benefits of the proposal, including its optimum viable use.
- 4.15 The Government's *Planning Practice Guidance* advises that what matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. It also advises that "substantial harm" is a high test, and will not arise in many cases. As such, it is clear that Policy CS33 is inconsistent with the *Framework* and must be considered out-of-date accordingly. It can be attributed only limited weight.
- 4.16 Notwithstanding the above, the impact on designated heritage assets is assessed in the accompanying *Design & Access Statement*.
- 4.17 **Policy CS37** (*"Major Landscape Features and Strategic Open Space"*) sets out a number of landscape elements and states that development will not be allowed that detracts from the character or appearance of these areas. The policy is reflective of the *Framework* in terms of its advice that the planning system should protect valued landscapes, but is inconsistent with *Framework* paragraph 113 and its requirement for Local Planning Authorities to *"set criteria based policies against which proposals for any development on or affecting...landscape areas will be judged."*

- 4.18 As such, it is clear that Policy CS37 is inconsistent with the *Framework* and should be considered as being out-of-date accordingly. Whilst the policy does have some relevance to the proposed development (given its proximity to the Thames Valley Major Landscape Feature), as demonstrated in the *Design & Access Statement* there would be no material harm to that feature. Consequently, notwithstanding that Policy CS37 can carry only limited weight, there would in any case be no direct policy conflict from the proposed development.
- 4.19 In respect of highway and transport-related matters, **Policies CS20** ("*Implementation of the Reading Transport Strategy*"), **CS21** ("*Major Transport Projects*") and **CS23** ("*Sustainable Travel and Travel Plans*") sit together as a suite of policies that seek to deliver major transport improvement schemes whilst at the same time fostering sustainable travel. When read in conjunction with **Policy CS5** ("*Inclusive Access*"), it is clear that these policies give substantial support for the *Mass Rapid Transit* scheme separately proposed across the northern site boundary, whilst seeking to safeguard and enhance the journeys of non-motorised users. These policies are all generally compliant with the transport and travel sections of the *Framework* and can be given significant weight accordingly.
- 4.20 Compliance with the Core Strategy's highways and transport policies is evidenced through the reservation of the required land for the MRT-related highway improvements, in the submitted *Transport Statement*, and in the *Design & Access Statement*.
- 4.21 **Policy CS38** calls for a net increase in tree cover in the Borough, which would be delivered by the public realm enhancements proposed here in outline and to be considered in detail at reserved matters stage.
- 4.22 Finally and for completeness, **Policy CS34** ("*Pollution and Water Resources*") requires that contaminated land is remediated to a standard appropriate to the nature of the development proposed, and that noise and air quality considerations are subject to "*adequate mitigation measures*". The cost of remediating this contaminated brownfield site has already been subject to detailed viability submissions in support of application 162166 and is therefore well-known to the Local Authority.

Reading Central Area Action Plan (2009)

- 4.23 The *Reading Central Area Action Plan* ("RCAAP") allocates this site for development as part of the Station/River Area Major Opportunity Area at **Policy RC1**. The policy sets out that identified sites in the Major Opportunity Area will be suitable for new development, subject to compliance with six criterion. The policy then goes on to set out a high-level brief for each of the nine sub-areas.
- 4.24 The application site is allocated a site **RC1(h)** ("*Napier Road junction*") for development as follows:

"A landmark building, containing residential and/or offices is appropriate for this site, which may contain an active commercial use on the ground floor. An acceptable dry access scheme must be part of any development on this site."

- 4.25 Just then as the principle of development complies with the spatial distribution of offices set at Core Strategy Policy CS10, so too does the scheme comply with the site-specific allocation at Policy RC1(h). Simply put, there can be no question whatsoever that an office development

on this site is wholly and unequivocally in accordance with the adopted Development Plan's spatial policies.

- 4.26 As can be seen, Policy RC1(h) specifically allocates the site for a **"landmark building"**, with the supporting text at paragraph 6.13 noting that *"the area will be developed at a higher density even where there are no tall buildings"*. For the most part, Policy RC1 is consistent with the *Framework* in that it sets out general aspirations for the development of the sites within the various sub-areas placing **no restriction** on height or density, instead giving flexibility in terms of how these sites are to come forward.
- 4.27 RCAAP Figure 9.1 specifically sets out that RC1(h) is the only site within the Major Opportunity Area that is designated for delivery in the short term. All other sites are designated as a mixture of short to medium term in terms of their delivery priority. This emphasises the important the Council placed on seeing the early development of this specific site, something that evidently has not yet happened. Given this, the delivery of the site's redevelopment by way of the proposed office building should be given substantial weight.
- 4.28 Policy RC1 criterion (vi) places a direct link between development density and the setting of listed buildings, flowing from the *Framework*-discordant approach set out in Core Strategy Policy CS33 preventing any harm whatsoever to heritage assets. As set out at paragraph 4.15 above, it is clear that Policy RC1 criterion (vi) is inconsistent with the *Framework* and must be considered out-of-date as a result. No weight should be given to it in terms of the assessment of the merits of the application in the planning balance.
- 4.29 **Policy RC5** relates to the design of new development specifically in the central area. This policy is broadly consistent with the *Framework's* thrust of requiring high quality design and its recommendation that good design is indivisible from good planning (paragraph 56). The policy is detailed in terms of some of the specific matters the development in the town centre should achieve, but is generally reflective of well-established and sound urban design principles. Policy RC5's remit is limited in this regard, and does not set out to favour any one specific design approach over another. It is consistent with the *Framework* accordingly and can continue to carry significant weight.
- 4.30 The accompanying *Design & Access Statement* sets out how this proposal would meet the detailed design criteria on Policy RC5 and consequently, how the scheme complies with this part of the Development Plan.
- 4.31 **Policy RC13** sets out *"Areas for Tall Buildings"* and defines these on the adopted Proposals Map. Policy RC13 provides **explicit and detailed policy support for a tall building on this site** identifying it as falling within the Station Area Cluster and importantly, placing no policy cap on building height. It is highly material to note that planning permission 162166 approved a 23-storey residential building in this location, a building which would be much taller than the office development now proposed.
- 4.32 Setting out a policy position in support of a specific spatial area for tall buildings is broadly reflective of the *Framework's* requirement at paragraph 57 to plan positively for individual buildings and the wider development of areas and thus broadly speaking, Policy RC13 is compliant with the *Framework*. Nonetheless, there are two elements of the policy that depart from the *Framework* which must be given lesser weight:

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- 4.32.1 Criterion (i) refers to Figure 8.2 which gives an “at a glance” diagrammatic representation of the principles for each sub-area. Whilst this is a useful tool to aid in the interpretation of the policy, it is a very basic diagram that should not be used to determine whether a specific proposal is consistent with all Development Plan policies. To do so would be at odds with the *Framework’s* clear directive that such policies should not be overly prescriptive, and in this regard this part of the policy is inconsistent with the *Framework* can carry only limited weight accordingly.
- 4.32.2 Criterion (ii) specifies a number of criteria which seek to dictate how tall buildings should be configured within the Station Area Cluster. Whilst there are some sound urban design principles within the text of the policy, there is a single policy bullet point requiring a “stepping down” towards the fringes of the cluster. Again, the *Framework* is clear that design-based policies should not be overly prescriptive or seek to stifle innovative design, innovation which is clearly evident in this proposed office development with its enclosed split-level publically-accessible Sky Garden. Indeed, the supporting text acknowledges that stepping-down is only one of several ways by which a human-scale environment can be achieved. All of this points to criterion (ii) be attributed only limited weight. Nonetheless, the enclosed *Design & Access Statement* clearly demonstrates how this element of the policy is complied with.
- 4.33 **Policy RC14** protects specific areas from development, which excludes the application site. RC14(i) and (ii) both endorse high-quality public realm improvements, which in respect of this scheme follow the principles established by planning permission 162166. Whilst these will be confirmed at reserved matters stage, nonetheless the scheme complies with Policy RC14, which is broadly compliant with the *Framework* can which can be attributed full weight accordingly.
- Sites and Detailed Policies Development Plan Document (October 2012)**
- 4.34 This DPD was adopted post-publication of the *Framework* and, unlike the other Development Plan documents assessed above, contains a presumption in favour of sustainable development. It is not necessary to weigh its policies against those of the *Framework*.
- 4.35 Whilst the DPD’s policies apply in the Central Area where there are no other policies in place that cover the relevant consideration, in reality the policies in the Core Strategy and RCAAP – where they have been found to be consistent with the *Framework* – are most relevant to the proposed development.
- 4.36 **Policies DM1** and **DM2** both seek to mitigate climate change. The *Energy Strategy Report* and *BREEAM Excellent Pre-Assessment* submitted with this application both demonstrate how the scheme would comply with these policies.
- 4.37 **Policy DM3** deals with planning obligations and was adopted prior to the introduction of the Council’s Community Infrastructure Levy and amendments to the Community Infrastructure Levy Regulations which prevent the pooling of Section 106 contributions. The policy can carry very little weight as a result.
- 4.38 Be that as it may, the applicant has nonetheless committed to entering into a planning obligation of provide a contribution to improvements that are directly related to the proposed development. Whilst Section 106 discussions are underway the precise details of the contributions being discussed remain commercially confidential Exempt Information, but nonetheless for the purposes of demonstrating compliance with Policy DM3 these include:

4.38 Signalised pedestrian crossing

Whilst the MRT itself is now subject to a planning application and has had its funding approved, the Council's Highway Development Control department has advised that the signalised pedestrian crossing shown on the Section 106 plans approved pursuant to planning application 162166 requires additional funding. The applicants have offered to provide a sum that they have been advised broadly equates to the cost of providing that crossing.

4.39 Construction Employment and Skills Plan

The applicants have offered to commit to an appropriate training plan, in discussion with Reading UK CIC, as part of the Section 106 agreement.

4.40 Affordable housing contribution

Having had regard to the Council's *Affordable Housing SPD*, a contribution towards offsite affordable housing forms a significant element of the applicants' Section 106 proposal.

4.39 **Policy DM4** seeks to safeguard the "amenities" (living conditions) of existing occupiers. The proposed development has been carefully designed to ensure that the full content and purpose of this policy is adhered to, through:

4.39.1 Using wind modelling as a design tool throughout the iterative design process, including using the site-specific learnings gained by application 162166;

4.39.2 Similarly using daylight, sunlight and shadowing assessments as a design tool to inform and shape the final design as proposed;

4.39.3 Designing a visually lightweight structure, elegantly arcing *away* from nearby existing buildings, which is particularly transparent at its uppermost floors and apex (the Sky Garden levels).

4.40 **Policy DM6** relates to the provision of affordable housing, which unusually in Reading may apply to non-residential development. The submitted *Employment Impact Statement and Affordable Housing Statement* considers the applicability of Policy DM6 and proposed a financial contribution towards offsite affordable housing accordingly.

5.0 OTHER CONSIDERATIONS

- 5.1 The law is clear that development proposals must be determined in accordance with the statutory Development Plan, unless material considerations indicate otherwise. As set out throughout this statement, the proposed development fully accords with the Development Plan and thus should be granted planning permission accordingly. Nonetheless, it is still necessary to identify and weigh any other material considerations in order to be able to properly perform the planning balance exercise.

Reading Station Area Framework SPD (2010)

- 5.2 The Reading Station Area Framework ("RSAF") SPD must not, as a matter of law, be given the same weight as the Core Strategy of RCAAP, which are both Development Plan Documents which have been subject to far more rigorous examination and which form the statutory Development Plan. Indeed, the RCAAP is very clear in explaining the status of the RSAF, correctly noting that "*SPDs (are)...a useful tool for giving specific guidelines*".
- 5.3 The illustrative, non-binding nature of the RSAF is perhaps best summarised by text within the document itself, at paragraph 14.1:

*"The following illustrations are included as an aid to the wider framework development process, primarily to establish the potential density and massing of development and to determine key principles of site layout. **They provide an indicative vision of the Station Area in the future, but represent one possible scheme that would comply with the Framework and are provided for illustration only.**"*

(our emphasis)

- 5.4 Also limiting the amount of weight attributable to the RSAF is its age, given that it was adopted some two years before the *Framework* was published. The *Framework* is clear that, whilst high quality outcomes should be sought, Local Planning Authorities should avoid unnecessary prescription or detail and should not stifle innovation, originality or initiative through unsubstantiated requirements.
- 5.5 Consequently, it is quite clearly the case that any development proposal on this site cannot be required to slavishly follow any of the illustrative, conceptual and indicative forms set out in the RSAF, and that any divergence from those illustrations can only be attributed very limited weight in the planning balance.
- 5.6 Notwithstanding this, the submitted *Design & Access Statement* demonstrates the manner in which this bespoke landmark building complies with the aspirations of the RSAF.

Reading Tall Building Strategy (2008)

- 5.7 Almost 10 years ago the Council commissioned ENTEC UK Ltd to prepare a tall buildings strategy for the Borough, with the principle purpose of that strategy then informing the RCAAP. As that document itself confirms, it is simply a background document which carries no policy status and does not form part of the adopted Development Plan.

- 5.8 Nonetheless, the applicants have had regard to the strategy's aspirations when preparing this proposal. It is noted that the aim of the strategy is to establish the centre of Reading as an area for new **high density and high quality innovative development**, aspirations which this application demonstrably meets. The strategy is clear that tall buildings have a key role to play in developing Reading as a modern city and their ability to help accommodate the level of development envisaged, especially in the town centre, **and a destination for business**.
- 5.9 The tall buildings strategy refers to the "**symbolic**" nature of tall buildings in **signifying a sense of place**, something which the applicant has fundamentally sought to achieve with this proposed development as demonstrated in the accompanying *Design & Access Statement*.

Reading Borough Council Community Infrastructure Levy

- 5.10 The Council adopted its Community Infrastructure Levy in 2015. The applicant estimates the CIL liability of this proposed development of 33,151m² Gross Internal Area (net of the existing multi-storey car park to be demolished) as being in the order of **£1,100,000**. This significant sum's contribution towards the provision of additional infrastructure to serve the Borough is a material consideration in its own right.

Emerging planning policy

- 5.11 The Local Planning Authority is preparing a new Local Plan, which will replace the adopted Core Strategy, RCAAP and Sites & Detailed Policies DPD with a single new plan setting out how the town will develop up to 2036. Consultation on the *Pre-Submission Draft Local Plan* was underway at the time of writing (consultation period running from 30th November 2017 to 26th January 2018), with the *Pre-Submission Draft* itself being a revised version of an earlier draft that was consulted on in May and June 2017. Subject to consideration of the consultation responses, the Local Planning Authority intends to submit the new Local Plan for approval to the Secretary of State.
- 5.12 ***Draft Policy CR11(h)*** directly replicates RCAAP Policy RC1(h) in terms of precisely the same land uses and largely the same policy wording, but inserting the requirement that "*land on the Napier Road frontage will be safeguarded for Mass Rapid Transit*" and rephrasing the flood risk-related element of the policy (albeit not materially changing its purpose).

Adopted RCAAP Policy RC1(h)	Pre-Submission Draft Local Plan CR11(h)
<i>A landmark building, containing residential and/or offices is appropriate for this site, which may contain an active commercial use on the ground floor. An acceptable dry access scheme must be part of any development on this site.</i>	<i>A landmark building, containing residential and/or offices is appropriate for this site, which may contain an active commercial use on the ground floor. Land on the Napier Road frontage will be safeguarded for Mass Rapid Transit. Development should take account of mitigation required as a result of a Flood Risk Assessment.</i>

- 5.13 The emerging local planning policy context, whilst attracting very little weight at the current time, also makes no material difference to the acceptability of the proposed development given that application complies with both the adopted and the emerging site-specific policies.

6.0 THE PLANNING BALANCE AND CONCLUSION

- 6.1 There are significant material public benefits that would flow from the proposed development:

Economic benefits

- 6.1.1 The provision of **new high-quality office accommodation in the town centre** would stimulate local employment, providing opportunities for existing employers to stay in the town by relocating to more appropriate modern premises, or allow new employers to relocate to Reading;
- 6.1.2 The population of onsite office and other works would bring increased spend into the retail catchment, **enhancing the vitality and viability of the town centre**;
- 6.1.3 The Council could expect to receive a substantial **Community Infrastructure Levy** payment and **Section 106 contributions**;
- 6.1.4 **New jobs** would be created during the construction phase as well as once the offices are occupied;
- 6.1.5 The publically-accessible **Sky Garden** would be a visitor attraction in its own right, drawing visitors and their associated leisure/hotel spend to the town.

Social benefits

- 6.1.6 The new publically-accessible **Sky Garden** would offer unique and unparalleled 360-degree views to its visitors, providing Reading with a new “public park in the sky” as found nowhere else in the Thames Valley;
- 6.1.7 Funding for a **new signalised pedestrian crossing** across Kings Meadow Road would enhance pedestrian connectivity between the site and its surroundings, providing safe and convenient access between the nearby riverside park and the town centre/railway station;
- 6.1.8 A *Construction Employment & Skills* obligation would bring additional training (notably apprentices) and other construction skills training to the local workforce;
- 6.1.9 Existing public transport, as well as the future MRT, would likely encounter **increased patronage** from the additional workforce population in the proposed development;
- 6.1.10 The development will make a financial contribution towards **affordable housing**;

Environmental benefits

- 6.1.11 The development would facilitate the **remediation of a contaminated, brownfield site**;
- 6.1.12 Demolition of the existing multi-storey car park and its replacement with a bespoke scheme of the highest architectural quality would significantly **enhance the character and appearance of the area**;
- 6.1.13 There would be a **net biodiversity gain** through the provision of targeted habitat enhancements;
- 6.1.14 **New tree planting** in the public realm (to be considered and approved at reserved matters stage) would provide landscape enhancements, habitat enhancements and make a modest contribution to **CO₂ reduction** targets;
- 6.1.15 Locations suitable for the installation of **public art** have been identified.

- 6.2 **No “significant” or “demonstrable” adverse impacts have been identified.** There would be no demonstrable harm to highway capacity. There would be no demonstrable harm to the living conditions of nearby occupiers. There would be no increased risk of flooding onsite or elsewhere. There would be no harm to landscape or heritage assets.
- 6.3 The proposed development is wholly compliant with the relevant policies in the statutory adopted Development Plan.

THE PLANNING BALANCE

- 6.4 As explored above, the proposed development would deliver numerous and significant public benefits which cumulatively carry substantial weight in the planning balance.
- 6.5 Against these benefits, there is a complete absence of “significant and demonstrable harm” with no disbenefits having been identified to be weighed in the planning balance.
- 6.6 Consequently, it is very clear that the planning balance weighs firmly in favour of granting planning permission.
- 6.7 As demonstrated throughout this statement, the proposed development is in accordance with the Development Plan and as per Section 38(6) of the Planning and Compulsory Purchase Act 2004, **planning permission should therefore be granted.**
- 6.8 There are no material considerations whatsoever that indicate that planning permission should be withheld. Indeed, in the unlikely event that the decision maker were to find that there was a conflict of some kind in relation to the provisions of the Development Plan, then the cumulative material planning considerations compellingly indicate that any such perceived conflict would be wholly outweighed, so still pointing to the grant of planning permission.
- 6.9 In this regard, the *Framework’s* presumption in favour of sustainable development is undoubtedly engaged and accordingly the decision-taker is instructed as a matter of Government policy to **grant planning permission**. As has been clearly demonstrated, there would be no adverse impacts whatsoever of doing so that might outweigh the benefits, either “significantly” or “demonstrably”.
- 6.10 There are no policies in the Development Plan or in the *Framework* that indicate that development should be restricted and accordingly, the Local Planning Authority must grant planning permission **without delay**.